

§ 1635  
JFW

DOCKET NO.: 60283-USA/FMC-1213

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Rolf Bjerkvig

Confirmation No.: 8676

Application No.: 09/763,682

Group Art Unit: 1635

Filing Date: April 27, 2001

Examiner: Jon E. Angell

For: Alginate Capsules For Use In The Treatment Of Brain Tumor

DATE OF DEPOSIT: September 29, 2004

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

*Karen Millane Whitney*

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REGISTRATION NO.: 52,355

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- ☐ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of

the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- ☒ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.116 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

☐ Certification in Accordance with § 1.97(e) is attached; or

☒ The fee of \$180.00 as set forth in § 1.17(p) is attached.

- ☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).

- ☒ Copies of reference numbers 1-4 listed on the attached Form PTO-1449 are enclosed herewith.

- ☐ Copies of reference numbers - on the attached Form PTO 1449 are not required to be submitted pursuant to 37 CFR § 1.98(a)(2)(i).

- ☐ Copies of references - are not being submitted because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application number , filed for which a claim for priority under 35 U.S.C. § 120 has been made in the instant application.

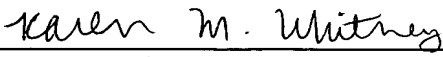
**DOCKET NO.: 60283-USA/FMC-1213 - 3 -**

**PATENT**

There are no listed references which are not in the English language.

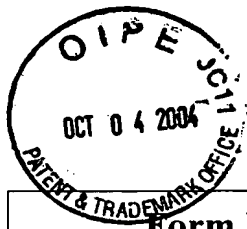
Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

Date: September 29, 2004

  
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<b>Form PTO-1449 Modified</b>  List of Patent and Publications Cited by Applicant (Use several sheets if necessary)  U.S. Department of Commerce Patent and Trademark Office	Docket No. FMC-1213	Application No. 09/763,682
	Applicant Rolf Bjerkvig	
	Filing Date April 27, 2001	Group 1635
	Confirmation No. 8676	

**U. S. PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Name	Class	Subclass
	1	5,166,137	11/24/92	Otterlei, et al.	514	23

**FOREIGN PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO

**Examiner Initial**

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

	2	Skjåk-Bræk and Espevik, "Application of alginate gels in biotechnology and biomedicine," <i>Carbohydrates in Europe</i> , Vol. 14, pp. 19-25, 1996
	3	Kulseng <i>et al.</i> , "Alginate polylysine microcapsules as immune barrier: Permeability of cytokines and immunoglobulins over the capsule membrane," <i>Cell Transplantation</i> , Vol. 6, pp. 387-394, 1997
	4	Smidsrød and Draget, "Chemistry and physical properties of alginate," <i>Carbohydrates in Europe</i> , 14, 6-13, 1996

**EXAMINER**

**DATE CONSIDERED**